

USDC SDNY

DOCUMENT

ELECTRONIC

DOC #:

DATE FILED 1/6/2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF REALNETWORKS,
INC., YAHOO! INC.

09 Civ. 7760 (DLC)

Related to

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,
Defendant.

**NOTICE OF WITHDRAWAL
AND SUBSTITUTION OF
COUNSEL AND PROPOSED
ORDER**

41 Civ. 1395 (DLC)

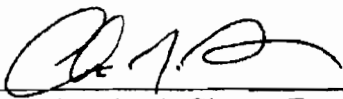
*Granted -
D. Marie Cole
1/5/11*

PLEASE TAKE NOTICE that, with the approval of the American Society of Composers, Authors and Publishers ("ASCAP"), and subject to the approval of the Court, White & Case LLP, 1155 Avenue of the Americas, New York, New York 10036, hereby withdraws as counsel for ASCAP in the above-captioned matter, and Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019-6064, is hereby substituted in place of White & Case LLP as counsel of record for ASCAP in this action, effective as of the date indicated below.

Attached is a declaration of substituted counsel in accordance with Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

Dated: New York, New York
January 4, 2011

WHITE & CASE LLP

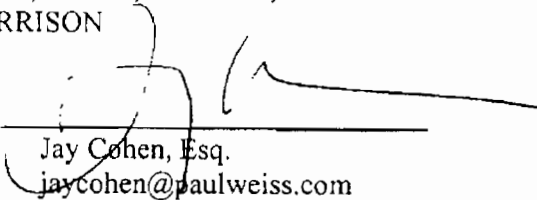
By: 
Christopher J. Glancy, Esq.
cglancy@whitecase.com

I. Fred Koenigsberg, Esq.
fkoenigsberg@whitecase.com

Stefan M. Mentzer, Esq.
smentzer@whitecase.com

1155 Avenue of the Americas
New York, New York 10036
(212) 819-8200

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON

By: 
Jay Cohen, Esq.
jaycohen@paulweiss.com

Lynn B. Bayard, Esq.
lbayard@paulweiss.com

Jacqueline P. Rubin, Esq.
jrubin@paulweiss.com

1285 Avenue of the Americas
New York, New York 10019-6064
(212) 373-3000

SO ORDERED:

U. S. D. J.

BC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF REALNETWORKS,
INC., YAHOO! INC.

09 Civ. 7760 (DLC)

Related to

**DECLARATION OF JAY
COHEN**

UNITED STATES OF AMERICA,
Plaintiff,

41 Civ. 1395 (DLC)

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,
Defendant.

I, JAY COHEN, declare as follows:

1. I am a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss") and member of the Bar of this Court. Pursuant to Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I submit this declaration in support of the accompanying notice and proposed order substituting Paul, Weiss for White & Case LLP as counsel for the American Society of Composers, Authors and Publishers ("ASCAP") in the above-captioned action.

2. As reflected in the accompanying Notice of Withdrawal and Substitution of Counsel and Proposed Order, ASCAP now desires to retain Paul, Weiss to represent it in this litigation.

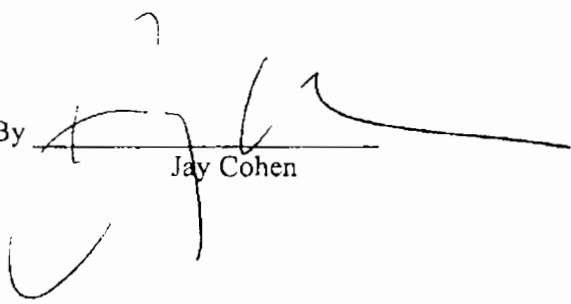
3. The Second Circuit remanded the above-captioned matter to this Court for further proceedings on December 9, 2010.

4. The proposed substitution at this early stage of litigation should not materially delay the matter or prejudice any party.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2011
New York, New York

By


Jay Cohen